

State of South Dakota

EIGHTIETH SESSION LEGISLATIVE ASSEMBLY, 2005

267L0673

SENATE BILL NO. 145

Introduced by: Senators Knudson, Adelstein, Broderick, Duenwald, and Smidt and
Representatives Cutler, Glenski, Miles, Murschel, and Thompson

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the authorization of
2 video lottery machine placement in on-sale alcoholic beverage establishments.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 42-7A-64 be amended to read as follows:

5 42-7A-64. A municipality or county may consider, in addition to the criteria for the issuance
6 of an on-sale alcoholic beverage license, the following criteria for authorizing video lottery
7 machine placement in establishments issued an on-sale alcoholic beverage license pursuant to
8 ~~subdivisions 35-4-2(12) and (16)~~ § 35-4-2:

- 9 (1) The number of establishments currently licensed for video lottery;
- 10 (2) The proximity of the business to other establishments licensed for video lottery;
- 11 (3) The type of business and manner in which the applicant proposes to operate it;
- 12 (4) The location of the business in relation to other businesses, residential areas, or
13 activities within the same general area;
- 14 (5) The extent to which minors frequent a business connected to the one proposed; and
- 15 (6) The effect the proposed business has on economic development.



1 The governing board shall certify on each application filed with the Department of Revenue
2 and Regulation for a license granted under ~~subdivisions 35-4-2(12) and (16)~~ § 35-4-2 whether
3 the business premises is authorized for video lottery machine placement. An existing video
4 lottery license may not be denied renewal or transfer based upon the criteria set forth in this
5 section. The lottery may issue a video lottery license to those establishments certified pursuant
6 to this section. Notwithstanding the above provisions, a county or municipality may not restrict
7 the number of on-sale alcoholic beverage licenses issued under ~~subdivisions 35-4-2(12) and (16)~~
8 § 35-4-2 and certified for video lottery to a number less than those licensed as video lottery
9 establishments on March 1, 1994.